

**on behalf of R. Wayne Pierce**

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**From:** "Wayne Pierce" <wpierce@adventurelaw.com>  
**To:** "Kerksiek, Sanya" <SKerksiek@crowell.com>  
**Sent:** Monday, November 16, 2009 5:49 PM  
**Subject:** Re: CoStar v. Alliance

I have now checked. Yes, we want to maintain the confidentiality of the deposition transcript. As I read the local rule, you can do so merely by withdrawing it as an exhibit.

----- Original Message -----

**From:** [Kerksiek, Sanya](#)  
**To:** [Wayne Pierce](#)  
**Cc:** [Sauers, William](#)  
**Sent:** Thursday, November 12, 2009 1:05 PM  
**Subject:** RE: CoStar v. Alliance

Thank you for your response. We will accordingly wait to hear from you regarding whether Pathfinder would like CoStar to re-file its motion to seal.

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**From:** Wayne Pierce [mailto:wpierce@adventurelaw.com]  
**Sent:** Thursday, November 12, 2009 12:59 PM  
**To:** Kerksiek, Sanya  
**Subject:** Re: CoStar v. Alliance

Yes. Coincidentally, I received an e-mail indicated that my client is out of the office and will not be available until sometime next week, so I will get back to you as soon as I can.

----- Original Message -----

**From:** [Kerksiek, Sanya](#)  
**To:** [Wayne Pierce](#)  
**Cc:** [Sauers, William](#)  
**Sent:** Thursday, November 12, 2009 12:52 PM  
**Subject:** CoStar v. Alliance

Wayne,

This e-mail follows up on our phone call today. We asked whether, in light of the court's denial of CoStar's motion to seal, Pathfinder would agree to lift the confidentiality designation of the testimony of Mr. Wu that is quoted in CoStar's motion to compel. If Pathfinder agrees, then CoStar would not re-file the motion to seal. If Pathfinder does not agree, then CoStar intends to re-file the motion to seal, which would indicate that the parties met and conferred, but that Pathfinder did not agree to lift the confidentiality designation. You represented that you would confer with your client and get back to us. We will await your response.

Regards,  
Sanya

**Sanya Sarich Kerksiek**  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW

**EXHIBIT 13**

Washington, DC 20001-2862  
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